

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jacqueline Levy(F)	Team: Team # 6	CCRB Case #: 201112309	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 09/23/2011 8:30 AM	Location of Incident: § 87(2)(b)	Precinct: 105	18 Mo. SOL 3/23/2013	EO SOL 3/23/2013	
Date/Time CV Reported Fri, 09/23/2011 3:40 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/23/2011 3:40 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Greg Vallerugo	02315	927621	113 PCT
2. DTS Christophe Fischer	01173	919044	ESS 09
3. LT Thomas Kehrli	00000	904249	E S U
4. POM James Zozzaro	28340	942747	113 PCT
5. CPT Craig Adelman	00000	919976	113 PCT
6. SGT Oswald Daniels	03078	925391	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jeronnie Glanville	07529	941818	113 PCT
2. POM Yongkyu Yoon	13917	926327	ESS 09
3. DTS Brian Brown	04756	923806	ESS 09
4. DTS Jorge Salazar	01253	923098	ESS 09
5. SGT Michael Gargan	01154	906311	ESS 09
6. DTS Robert Yaeger	05676	888377	ESS 09
7. DTS Gary Grisolia	03145	914795	ESS 09
8. DTS Mark Furia	04806	915752	ESS 09
9. POM Jason Zummo	11153	939739	113 PCT
10. POM Matthew Vorraro	15194	939668	113 PCT
11. POM Adam Gray	00379	928419	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.CPT Craig Adelman	Abuse: Cpt. Craig Adelman supervised the entry and search of the § 87(2)(b) in Queens.	
B.DTS Christophe Fischer	Discourtesy: Det. Christopher Fischer spoke discourteously to § 87(2)(b)	
C.DTS Christophe Fischer	Force: Det. Christopher Fischer used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
D.SGT Oswald Daniels	Discourtesy: Sgt. Oswald Daniels spoke discourteously to § 87(2)(b)	
E.POM James Zozzaro	Force: PO James Zozzaro used physical force against § 87(2)(b)	
F.SGT Greg Vallerugo	Abuse: Sgt. Greg Vallerugo damaged § 87(2)(b)'s property.	
G.SGT Greg Vallerugo	Force: Sgt. Greg Vallerugo used physical force against § 87(2)(b)	
H.SGT Greg Vallerugo § 87(2)(g), § 87(4-b)	Abuse: Sgt. Greg Vallerugo searched § 87(2)(b) car. § 87(2)(g), § 87(4-b)	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	

### Case Summary

On September 23, 2011, § 87(2)(b) filed this complaint with the CCRB by telephone on behalf of herself and her sister, § 87(2)(b). On September 29, 2011, § 87(2)(b) filed a duplicate complaint with the CCRB by telephone on behalf of § 87(2)(b) and § 87(2)(b) (encl. 5A-C). On September 23, 2011, at 8:30 a.m., officers from ESS Truck 9 and the 113<sup>th</sup> Precinct Anti-Crime team executed a search warrant at § 87(2)(b) in Queens. The following allegations resulted:

- **Allegation A – Abuse of Authority:** Cpt. Craig Adelman supervised the entry and search of § 87(2)(b) in Queens. § 87(2)(g)
- **Allegation B – Discourtesy:** Det. Christopher Fischer spoke discourteously to § 87(2)(b)
- **Allegation C – Force:** Det. Christopher Fischer used physical force against § 87(2)(b)
- **Allegation D – Discourtesy:** Sgt. Oswald Daniels spoke discourteously to § 87(2)(b)
- **Allegation E – Force:** PO James Zozzaro used physical force against § 87(2)(b)
- **Allegation F – Abuse of Authority:** Sgt. Greg Vallerugo damaged § 87(2)(b) property.
- **Allegation G – Force:** Sgt. Greg Vallerugo used physical force against § 87(2)(b) § 87(2)(g)
- **Allegation H – Abuse of Authority:** Sgt. Greg Vallerugo searched § 87(2)(b) car. § 87(2)(g)
- § 87(2)(g), § 87(4-b)

§ 87(2)(g)

### Results of Investigation

#### Civilian Testimony

Victim: § 87(2)(b)

- § 87(2)(b)

### Statements to Medical Personnel

On § 87(2)(b), § 87(2)(b) reported to EMS that he had been kicked in the face. He informed doctors at § 87(2)(b) Hospital that he had been kneed in the right eye by police (encl. 8A-B).

### Arrest Photo (encl. 9)

§ 87(2)(b) arrest photo shows swelling and bleeding in his right eye.

### CCRB Testimony

On September 30, 2011, § 87(2)(b) provided a telephone statement (encl. 8C). § 87(2)(b) was interviewed at the CCRB on October 13, 2011 (encl. 8D-H). In his Notice of Claim filed on December 21, 2011, § 87(2)(b) provided a brief narrative (encl. 50A-D). His statements were generally consistent with each other.

On September 23, 2011, at approximately 8:30 a.m., § 87(2)(b) looked out the living room window of the § 87(2)(b) floor of § 87(2)(b) in Queens, where he had spent the night with his cousins, the § 87(2)(b) to see if a bus was coming. The living room is the first room in the apartment upon entry. To the left are a kitchen and the bedroom in which § 87(2)(b) had slept. There are two additional bedrooms further into the apartment. § 87(2)(b) observed approximately fifteen uniformed officers wearing helmets and shields open the front gate and enter the building. He then returned to his bedroom.

§ 87(2)(b) was alone in a bedroom when approximately six uniformed officers entered the house. An officer, identified through investigation as Det. Christopher Fischer of ESU Truck 9, who § 87(2)(b) could not describe in his telephone statement (provided one week after the incident) but stated in his sworn statement was a white male who stood 6'3" tall with a medium build, mid-30s and blondish hair, told § 87(2)(b) "Get the fuck on the floor." § 87(2)(b) complied and an officer he did not see placed him in handcuffs. Det. Fischer had a helmet and a shield. At some point, Det. Fischer removed the front part of the helmet, allowing § 87(2)(b) to see his face.

§ 87(2)(b) asked the officers why he was being arrested and an officer, identified through investigation as Sgt. Oswald Daniels of the 113<sup>th</sup> Precinct, told him to "shut the fuck up." Sgt. Daniels was described as a plainclothes black male officer who stood 5'8" tall with a muscular build who was in his early 40s. § 87(2)(b) yelled that he did not live there. Det. Fischer was to the side of § 87(2)(b) when he bent down and kneed § 87(2)(b) in his right eye. In his telephone statement, § 87(2)(b) stated that he did not know which officer cursed at him or kneed him because he was face down on the floor. § 87(2)(b) denied cursing at the officers and did not refuse to be handcuffed. § 87(2)(b) was compliant with the officer and did not move his arms or legs. He never tried to get up and did not try to run away from the officers but had yelled and repeatedly asked why he was being arrested.

§ 87(2)(b) was unable to open his right eye and was bleeding from his eye. An officer, who § 87(2)(b) was unable to describe, picked § 87(2)(b) up and removed him from the room. § 87(2)(b) walked past § 87(2)(b) room and saw him handcuffed on the ground; four uniformed officers were in the room. § 87(2)(b) overheard an unidentified officer, who § 87(2)(b) was unable to describe, tell § 87(2)(b) that if he moved again they were going to drop the "motherfucking" bed on his head.

§ 87(2)(b) was the first one removed from the house and an ambulance was called to the scene. An officer, identified through investigation as PO Matthew Vorraro of the 113<sup>th</sup> Precinct, escorted § 87(2)(b) to § 87(2)(b) Hospital where he was diagnosed with a fractured nose, which was sustained when Det. Fischer kneed him, and received four stitches under his right eye. § 87(2)(b)

§ 87(2)(b) had not seen PO Vorraro in the house. At some point § 87(2)(b) heard the officers say that they were looking for a gun. § 87(2)(b) car was parked across the street and § 87(2)(b) did not see any officers searching it.

§ 87(2)(b) was in § 87(2)(b) Hospital for approximately three hours. After § 87(2)(b) was released from custody, on § 87(2)(b), he went to § 87(2)(b) Hospital.

On May 4, 2012, § 87(2)(b) stated that he would not recognize the subject officers in photos.

**Victim:** § 87(2)(b)

- He is a § 87(2)(b)

**CCRB Testimony**

§ 87(2)(b) was interviewed at the § 87(2)(b) on November 4, 2011 (encl. 10A-E). His statement contained the noted discrepancies from § 87(2)(b) statement.

§ 87(2)(b) was sleeping in his bedroom with his friend, § 87(2)(b) knocked on his door and informed him that the police were outside. § 87(2)(b) and § 87(2)(b) were in the living room, the first room upon entering the apartment, when officers entered the location. The officers yelled, “Get down on the floor.” § 87(2)(b) and § 87(2)(b) got on the floor next to each other before the officers entered the apartment. § 87(2)(b) stayed in § 87(2)(b) bedroom which is the first room after the living room. The apartment has three bedrooms.

Eight officers in uniform and three to four officers in plainclothes broke down the front door and entered the apartment. The officers pointed their guns at § 87(2)(b) and § 87(2)(b) and told them not to move. At some point, a cup of liquid had spilled on the floor. § 87(2)(b) initially stated that the officers had dragged § 87(2)(b) toward the puddle but later stated that there had been no struggle. § 87(2)(b) verbally and physically refused to put his face down because it would have been in the puddle that had formed. An officer, who § 87(2)(b) could not describe because he was wearing something black over his face, knelt § 87(2)(b) in the eye before handcuffing § 87(2)(b) later added that this officer told § 87(2)(b) to “shut the fuck up” before kneeling him and then changed his testimony, stating that § 87(2)(b) was handcuffed when he was knelt.

Uniformed officers removed § 87(2)(b) from the location. § 87(2)(b) was sitting on the floor of the living room when an officer in plainclothes, identified through investigation as PO James Zozzaro of the 113<sup>th</sup> Precinct, asked him for the code to his safe. He described PO Zozzaro as a white male in his late 30s who was 6’5” tall with a medium build. When § 87(2)(b) told PO Zozzaro that he did not remember the combination, PO Zozzaro kicked him once in the back causing a small bruise. Officers, identified through investigation as Sgt. Oswald Daniels and Sgt. Greg Vallerugo from the 113<sup>th</sup> Precinct, were also present. Sgt. Daniels was described as a black male who was 5’11” tall with a slim build and a low haircut who identified himself at the stationhouse as a sergeant. Sgt. Vallerugo was described as a white male in his late 30s who stood 6’ tall with a chubby build.

PO Zozzaro, Sgt. Daniels, and Sgt. Vallerugo walked § 87(2)(b) to his bedroom where § 87(2)(b) was in handcuffs. Sgt. Vallerugo asked for the code and asked where the guns and drugs were. When § 87(2)(b) said that he did not know the code, Sgt. Vallerugo threw his television to the ground causing the screen to shatter and slapped him in the back of the head at least six times. Officers did not use profanities toward him. The officers eventually broke the safe open.

When § 87(2)(b) exited the apartment, § 87(2)(b) was already in an ambulance. § 87(2)(b) was placed in an unmarked van. § 87(2)(b) was not in the van with § 87(2)(b) An officer, identified through investigation as PO Jason Zummo of the 113<sup>th</sup> Precinct, asked § 87(2)(b) if he drives and § 87(2)(b) said that he did not. PO Zummo was described as a white male who stood 6’2” tall with a slim build and was in his early 30s.

§ 87(2)(b) observed from inside the van that his mother's black Lincoln Navigator was parked across the street on § 87(2)(b). Though § 87(2)(b) alleged that Sgt. Daniels and PO Zummo searched the vehicle, the investigation determined that PO Zozzaro and Sgt. Vallerugo searched the vehicle. He alleged that the officers entered the front passenger's door and the rear right back door and searched for 25 minutes, though § 87(2)(b) was unable to see the extent of the search. § 87(2)(b) did not know how the officers gained entry to the vehicle. § 87(2)(b) did not have a copy of the keys.

§ 87(2)(b) did not recall if any contraband was recovered by the officers. § 87(2)(b) did not obtain any medical treatment.

§ 87(2)(b) stated that he could identify the subject officers in photos and, after he was released on January 20, 2012, scheduled a photo array viewing for March 29, 2012, for which he failed to appear without calling to cancel or reschedule. He was called again and made another appointment for May 9, 2012, for which he also failed to appear or call to cancel or reschedule. A final appointment was scheduled for May 21, 2012, for which he again failed to appear or call to cancel or reschedule.

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b).

**CCRB Testimony**

On September 29, 2011, § 87(2)(b) filed this complaint by telephone and provided the following statement (encl. 6). § 87(2)(b) did not witness the incident but is the owner of the vehicle that was searched.

When § 87(2)(b) returned to her apartment after § 87(2)(b) and § 87(2)(b) were arrested, she observed property damage to numerous pieces of furniture and various household items and that a hole had been sliced in a mattress. There were holes in every wall in the house. § 87(2)(b) also observed damage to her 1999 Lincoln Navigator: a broken sun roof motor, parts of her engine moved, backseat moved, and speaker covers broken.

Between September 27, 2011, and November 7, 2011, § 87(2)(b) was called three times and two letters and an email were sent. Neither of the letters was returned by the United States Postal Service and the email was not returned by an internet service provider. Twice voicemail messages were left for § 87(2)(b) and on one occasion she was reached. She also responded to one voicemail message. Though she stated she would call back both times to schedule an appointment, she never called to schedule an appointment. On November 7, 2011, § 87(2)(b) called and arranged to email photos of the damage, but did not schedule an appointment.

**Photographs Taken By** § 87(2)(b)

Photos regarding the incident taken on September 23, 2011, were received via email on November 10, 2011. The injury to § 87(2)(b) eye is documented in a photo. Clutter, damage to televisions and furniture, a sliced hole in a mattress, holes in walls, and damage to the doors of § 87(2)(b) are also depicted. There are photos of § 87(2)(b) 1999 Lincoln Navigator, Florida license plate number § 87(2)(b) including the front and rear license plates, engine, the sunroof, front seat, trunk, and damage to the speakers (7A-J).

**Witness:** § 87(2)(b)

- § 87(2)(b) a § 87(2)(b)

**CCRB Testimony**

On November 23, 2011, and December 5, 2011, § 87(2)(b) provided telephone statements (encl. 12A-B). Her statement was generally consistent with § 87(2)(b) and § 87(2)(b) statements in some respects with the noted discrepancies.

Officers handcuffed § 87(2)(b) in the bedroom and then brought her to the hallway. She sat down in the hallway five feet from the room where officers were arresting § 87(2)(b) she could see officers surrounding him from her position in the hallway but did not witness any physical force used against § 87(2)(b). § 87(2)(b) heard officers she could not identify yell at § 87(2)(b) and tell him, “If you move, we are going to fuck you up,” and, “Don’t fucking play with me. I am going to shoot you right now.”

§ 87(2)(b) was the first one to be removed from the apartment and was placed in a police van. When § 87(2)(b) and § 87(2)(b) were in the van, an officer told § 87(2)(b) that “something” was recovered from the apartment. § 87(2)(b) replied, “Whatever,” and the officer asked him if he wanted to be smart and grabbed him by the neck and choked him.

### **NYPD Testimony**

#### **Subject Officer: LT THOMAS KEHRLI**

- *Lt. Kehrlí, § 87(2)(b)*
- *On September 23, 2011, Lt. Kehrlí worked from 6:00 a.m. until 2:35 p.m. He was the ESU supervisor of a search warrant and did not have a partner. He was dressed in uniform and was assigned to an unmarked vehicle.*

#### **Memo Book** (encl. 21A-B)

Lt. Kehrlí did not have any memo book entries regarding this incident.

#### **CCRB Testimony** (encl. 22A-C)

Lt. Kehrlí was interviewed at the CCRB on April 11, 2012.

On September 23, 2011, at approximately 8:30 a.m., officers from ESS Truck 9 conducted an entry during the execution of a search warrant at § 87(2)(b) in Queens, a duplex apartment, on behalf of the 113<sup>th</sup> Precinct. No 113<sup>th</sup> Precinct officers took part in the entry. The warrant was for guns and narcotics. The first bunker team, PO Yongkyu Yoon and Det. Brian Brown, and the second bunker team, Det. Christopher Fischer and Det. Jorge Salazar, went upstairs to enter the apartment. Lt. Kehrlí went to the first bedroom with PO Yoon and Det. Brown and Det. Fischer and Det. Salazar went to the second bedroom. Either Det. Gary Grisolia or Sgt. Michael Gargan of ESS Truck 9 also went to the second bedroom. Det. Robert Yaeger was present, but Lt. Kehrlí did not specify his location other than he was not one of the officers in the second bedroom. Lt. Kehrlí noted that the order of entry noted on the ESU Tactical plan was inaccurate and that his account reflected the correct assignments and order of entry. No civilians were in the living room. The officers did not say, “Get the fuck on the ground.”

§ 87(2)(b) and § 87(2)(b) were in the first room. Det. Brown handcuffed § 87(2)(b) on the ground and Lt. Kehrlí handcuffed § 87(2)(b) on the bed. Lt. Kehrlí was unable to hear anything from the second bedroom. Lt. Kehrlí did not hear any officers tell § 87(2)(b) or § 87(2)(b) to “shut the fuck up” or threaten to drop the “motherfucking” bed on their head or shoot any of them. No officer used any profanities or made any threats of force.

Lt. Kehrlí brought § 87(2)(b) to the living room. § 87(2)(b) and § 87(2)(b) were taken to the living room at approximately the same time. Lt. Kehrlí did not know which officer(s) escorted § 87(2)(b) to the living room. He was unaware of § 87(2)(b) injuries until his interview with IAB. He stated that Sgt. Gargan had conducted the supervisory security sweep.

Lt. Kehrlí did not witness the 113<sup>th</sup> Precinct officers search the house or a vehicle. Lt. Kehrlí did not see any officers kick or slap § 87(2)(b) nor did he see any officers throw a television to the ground. Lt. Kehrlí left the location as the 113<sup>th</sup> Precinct officers entered.

**Subject Officer: DET CHRISTOPHER FISCHER**

- *Det. Fischer, § 87(2)(b)*
- *On September 23, 2011, Det. Fischer worked from 11:30 p.m. until 10:05 a.m., the next day. He was assigned to a search warrant and was working with an ESU team. He was in uniform and was assigned to a marked vehicle.*

**Memo Book** (encl. 15A-B)

At 8:00 a.m., search warrant in the confines of the 105<sup>th</sup> Precinct.

**CCRB Statement** (encl. 16A-B)

Det. Fischer was interviewed at the CCRB on March 21, 2012. His statement was generally consistent with Lt. Kehrli's, except where noted.

Det. Fischer did not have an independent recollection of this incident. Det. Fischer reviewed the ESU tactical plan and based on the documentation and stated that he was the second shield operator and the third officer to enter the apartment. Det. Salazar was behind him. The first shield operator was PO Yoon.

Det. Fischer was shown the ESU report, which indicated that an individual was injured during the entry, and photo of § 87(2)(b) neither of which refreshed his recollection. Det. Fischer did not recognize § 87(2)(b) or § 87(2)(b) in photos.

Det. Fischer stated that based on the documentation he was probably in the second bedroom. Det. Fischer denied that he knelt § 87(2)(b) while in handcuffs. Det. Fischer did not tell any civilians in the apartment to get "the fuck" on the ground or to "shut the fuck up." Det. Fischer did not hear any officers use profanities.

**Subject Officer: PO JAMES ZOZZARO**

- *PO Zozzaro, § 87(2)(b)*
- *On September 23, 2011, PO Zozzaro worked from 5:00 a.m. to 1:35 p.m. He was assigned to anti-crime with PO Jeronnie Glanville. He was in plainclothes and did not recall whether he was assigned to a motor vehicle.*

**Memo Book** (encl. 31A-B)

PO Zozzaro noted that a search warrant was executed.

**CCRB Testimony** (encl. 32A-C)

On September 5, 2012, PO James Zozzaro was interviewed at the CCRB.

PO Zozzaro was outside security while ESU executed the search warrant, and he entered the location as § 87(2)(b) and § 87(2)(b) were being escorted out of the location by an officer PO Zozzaro could not remember. PO Zozzaro did not interact with any of the civilians and did not witness any of the Anti-Crime officers do so. He did not remember asking any civilian for the code to a safe and did not kick or slap any civilian, throw a television to the ground, use profanities toward a civilian, or cut open a mattress, or observe any officer do so. They were looking under mattresses because they had been informed that a gun may be located under a bed. He did not recall whether there were any holes in the walls but he did not break any walls.

After the search was complete and the officers were outside waiting for a ride back to the stationhouse, an elderly female neighbor approached PO Zozzaro and other officers and reported that an SUV parked across the street had been there for several days and she believed that it was stolen. It was not related to the search warrant. PO Zozzaro went to the SUV and observed the interior to have been disassembled, with items strewn about. It appeared abandoned, which was



indicative of the vehicle having been stolen. PO Zozzaro believed that they were able to enter the vehicle because it was either unlocked or because the windows were open. The driver's seat window was open and the rear driver's side window was open slightly. PO Zozzaro did not recall whether any compartments in the vehicle were open. PO Zozzaro did not recall whether there was a license plate on the car. The front driver's side tire was flat. Sgt. Greg Vallerugo and possibly other officers searched the front of the vehicle and PO Zozzaro searched the trunk of the vehicle for indications of ownership. He did not recall how the trunk opened, whether it was unlocked or if an officer in the front opened it for him. PO Zozzaro did not recall if any indications of ownership were found. There was no indication that the vehicle belonged to anyone in the house where the search warrant had been executed. PO Zozzaro denied opening or damaging any of the compartments in the vehicle. The vehicle was left where it was parked.

**Subject Officer: SGT GREG VALLERUGO**

- *Sgt. Vallerugo, § 87(2)(b)*
- *On September 23, 2011, Sgt. Vallerugo worked from 3:00 a.m. to 11:44 a.m. He was the Anti-Crime sergeant and was in plainclothes. He did not recall if he was assigned to a motor vehicle.*

**Memo Book** (encl. 29)

Sgt. Vallerugo noted that at 8:00 a.m., he executed a search warrant. Two males and one female were arrested. One male was taken to the hospital.

**CCRB Testimony** (encl. 30A-C)

On September 18, 2012, Sgt. Vallerugo was interviewed at the CCRB. His statement was generally consistent with PO Zozzaro's statement, save for the noted discrepancies and additional information.

Sgt. Vallerugo was front security. Sgt. Vallerugo recalled that one male had some sort of injury to the head; he did not know how the injury was sustained. There was already an ambulance on scene and the injured male was immediately put in the ambulance where PO Vorraro escorted him to the hospital prior to the 113<sup>th</sup> Precinct officers entering the location. When Sgt. Vallerugo entered, all of the civilians had already been removed from the location. He did not have any interaction with the civilians. He did not punch, kick, or slap any civilian and did not see any other officer do so. He did not use or hear any officer use profanities.

Sgt. Vallerugo supervised the search of the location and did not search himself. They were looking for a firearm. PO Glanville, PO Zozzaro, and PO Zummo were the search team. Cpt. Craig Adelman of the 113<sup>th</sup> Precinct stayed in the living room. Sgt. Vallerugo observed that there were holes in the walls, specifically in the hallway and the front living room. He stated that they were consistent with rebuilding, not damage. There were spackle buckets and other things used for construction. Sgt. Vallerugo did not recall seeing any officer move a television during the search. He did not throw any televisions. While an officer did look inside a mattress with an existing hole, no officer made the hole larger. Sgt. Vallerugo did not recall there being a safe. He did not recall any officer asking for the combination to a safe. They locked the location and waited outside for a ride back to the stationhouse. Two officers went to get the cars while the others remained. An officer was securing the property that had been recovered. No gun was recovered but other contraband, the exact nature of which Sgt. Vallerugo could not recall, was recovered from inside the location. Sgt. Vallerugo did not recall which officers got the car and which remained at the location.

While they were waiting for their ride, Sgt. Vallerugo stated initially that an elderly female approached him and pointed to an SUV that was a substantial way down the block and on the

opposite the corner, stating that the vehicle did not belong there or that the car was stolen. He later stated that that an elderly female who was at the front door of a house on the corner on which they were waiting waived them over and when Sgt. Vallerugo asked her what the problem was, she pointed out the vehicle. Her statement was solely informational; she did not request that the officers take any action. She did not provide any information regarding how long the vehicle had been there. He did not record the name of the female. Based on his experience with auto larcenies, Sgt. Vallerugo observed indications that the vehicle was stolen or abandoned, particularly that the windows were open, a tire was flat, and the vehicle was parked an excessive distance from the curb, and was not legally parked. Sgt. Vallerugo described the condition of the vehicle as “poor.”

Sgt. Vallerugo approached the SUV to investigate the female’s complaint. The SUV was not related to the search warrant. There was no link between § 87(2)(b) and the SUV of which Sgt. Vallerugo was aware. Sgt. Vallerugo observed an out-of-state plate on the SUV. He and PO Zozzaro looked into the SUV for some record of ownership. Sgt. Vallerugo searched the front seat and PO Zozzaro searched the trunk at Sgt. Vallerugo’s instruction because there were papers in the trunk of the vehicle. They were able to gain entry into the vehicle because the windows were open and the doors, including the trunk, were unlocked. Sgt. Vallerugo looked in the glove compartment because that is where most people keep their registration and insurance. He did not enter any other enclosed area. The search was less than one minute. Sgt. Vallerugo did not recall any side compartments being open. Neither he nor PO Zozzaro broke any compartments in the vehicle. There was no damage to the sun roof. They did not find any indication of ownership, so when their ride came, they left and took no further action with regard to the vehicle. Sgt. Vallerugo did not record or conduct a search of the VIN of the SUV.

**Subject Officer: SGT OSWALD DANIELS**

- *Sgt. Daniels, § 87(2)(b)*
- *On September 23, 2011, Sgt. Daniels worked from 4:00 a.m. to 12:35 p.m. He was the field intelligence officer for a search warrant with the 113<sup>th</sup> Precinct Anti-Crime team. He was dressed in plainclothes with a raid jacket.*

**Memo Book** (encl. 35A-B)

In his memo book, Sgt. Daniels noted that at 8:30 a.m., he was front security for a search warrant at § 87(2)(b)

**CCRB Testimony** (encl. 36A-B)

On September 12, 2012, Sgt. Daniels was interviewed at the CCRB. His statement was generally consistent with Sgt. Vallerugo’s and PO Zozzaro’s to the extent he recalled the incident.

The search warrant was obtained by the 113<sup>th</sup> Precinct Anti-Crime team for a gun. ESU left the location before Sgt. Daniels and the Anti-Crime team entered the location. There were two males and one female in the location but Sgt. Daniels did not recall exactly where in the location they were; he believed they may have been together in the living room. One or more of the anti-crime officers may have spoken to the civilians but Sgt. Daniels did not do so and did not know who did. He observed that the location was in a state of disarray. During earlier surveillance of the location, he observed that individuals were doing construction. Sgt. Daniels viewed photos of the location taken after the incident and confirmed that they were consistent with the state of the apartment when he entered.

Sgt. Daniels did not recall whether there were televisions in the location. He did not see any officer throw a television to the ground. Sgt. Daniels did not recall there being a safe in the location and noted that if there was a safe, they would have taken it with them. He did not hear any officer ask for the combination to the safe.

One of the civilians had an injury to his eye and an ambulance was called for him. He did not know how the civilian sustained the injury. Sgt. Daniels did not see any officer punch, slap, or kick any of the civilians. He did not hear any officer use any profanities during the incident.

Sgt. Daniels did not recall there being a vehicle parked across the street. The search warrant did not cover a vehicle and Sgt. Daniels did not search any vehicle. He did not recall any officer searching any vehicle. No civilian approached Sgt. Daniels outside the location but he did not know if a neighbor spoke to any of the other officers.

**Witness Officer: PO JERONNIE GLANVILLE**

- *PO Glanville, § 87(2)(b) [REDACTED].*
- *On September 23, 2011, PO Glanville worked from 3:00 a.m. until 11:35 a.m. He was assigned to a search warrant and was working with a team of officers of the 113<sup>th</sup> Precinct. He was dressed in plainclothes and was assigned to an unmarked vehicle.*

**Memo Book** (encl. 26A-C)

In his memo book, PO Glanville noted that at 8:00 a.m., he executed a search warrant at § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] were arrested. § 87(2)(b) [REDACTED] had an injury to eye from prior to PO Glanville entering residence. He was taken to § 87(2)(b) [REDACTED] Hospital. Vouchers #§ 87(2)(b) [REDACTED] for magazine and cartridges, #§ 87(2)(b) [REDACTED] for marijuana and #§ 87(2)(b) [REDACTED] for \$420.00.

§ 87(2)(a) 160.50, § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**CCRB Testimony** (encl. 28A-C)

PO Glanville was interviewed at the CCRB on April 24, 2012. His statement was generally consistent with PO Zozzaro's and Sgt. Vallerugo's except where noted.

PO Glanville and his team entered the apartment once everyone was in handcuffs. The ESU officers left as the 113<sup>th</sup> Precinct officers went into the apartment. Cpt. Adelman entered with the team but left before the search. PO Glanville found § 87(2)(b) [REDACTED] in the back bedroom. § 87(2)(b) [REDACTED] was on the ground and was bleeding from the face. § 87(2)(b) [REDACTED] told him that when officers had asked him for his hands, § 87(2)(b) [REDACTED] did not show them fast enough and an officer "put him down" and handcuffed him. § 87(2)(b) [REDACTED] also told PO Glanville that he had been reaching for something. § 87(2)(b) [REDACTED] stated that the injury occurred prior to being handcuffed but did not say how. PO Glanville took § 87(2)(b) [REDACTED] to the living room.

PO Glanville saw § 87(2)(b) [REDACTED] in the front bedroom but did not interact with him until arriving at the stationhouse. PO Glanville did not recall which officers were with § 87(2)(b) [REDACTED] PO Glanville removed § 87(2)(b) [REDACTED] from the apartment. PO Glanville did not hear any officers use any profanities or make any threats of force to § 87(2)(b) [REDACTED] or § 87(2)(b) [REDACTED] nor did PO Glanville do so himself. PO Glanville did not see any officer kick or slap § 87(2)(b) [REDACTED] PO Glanville did not recall if there was a safe in the apartment or if § 87(2)(b) [REDACTED] was asked for the code of a safe. One wall in the apartment was already damaged and the officers made the hole bigger with either their hands or nightstick to search inside, which is permitted under the search warrant. No televisions were thrown to the ground. Ammunition for a gun, marijuana, and money were recovered, though PO Glanville did not recall the specifics of the search.

The search warrant was only for the house and PO Glanville did not know that the § 87(2)(b) [REDACTED]

owned a black Lincoln Navigator. PO Glanville noticed a black SUV parked across the street, but he did not know who the owner was. The vehicle caught his attention because it had a flat tire and did not have a license plate and registration. A bystander also pointed out the vehicle as looking suspicious. PO Glanville and other officers, he could not remember who, debated whether to tow the vehicle. The vehicle was not searched. The officers ran the VIN, which came back with negative results for an owner or registration, and the officers ultimately decided not to tow the vehicle. All of the 113<sup>th</sup> Precinct officers left together.

PO Vorraro transported § 87(2)(b) to the hospital. At the stationhouse, he informed PO Glanville that § 87(2)(b) had an injury to his eye socket and a facial fracture. PO Glanville did not see any injuries on § 87(2)(b) nor did § 87(2)(b) complain of any injuries.

**Witness Officer: DET JORGE SALAZAR**

- *Det. Salazar, § 87(2)(b)*
- *On September 23, 2011, Det. Salazar worked from 11:30 p.m. until 10:05 a.m., on the next day. He was assigned to a search warrant and was working with Det. Fischer. He was dressed in uniform and was assigned to ESU truck 9.*

**Memo Book** (encl. 17A-C)

At 8:00 a.m., search warrant at § 87(2)(b) ESU log #§ 87(2)(b)

**CCRB Statement** (encl. 18A-B)

Det. Salazar was interviewed at the CCRB on March 22, 2012. His statement was generally consistent with Lt. Kehrli's, save for the noted discrepancies and additional information.

Det. Salazar was part of the second bunker team and was the MP5 (firearm) operator. The officers reached the entrance door and went up the stairs which led them to a living room. The first bunker team went into the first bedroom in the right and Det. Salazar and his bunker, identified by the tactical plan as Det. Fischer, went further into the apartment. Det. Fischer heard an officer from the first bedroom say, "Police, search warrant, get on the ground." Det. Salazar denied that any officers stated to get "the fuck" on the ground. Det. Salazar did not see anyone in the first bedroom but assumed there was based on the officer's verbal commands. Det. Salazar did not know whether there was a struggle in the first bedroom. Det. Salazar did not threaten any civilian with the use of force or use any profanities and did not hear any officer do so.

Det. Salazar and Det. Fisher searched the back of the apartment for people including the back bedroom, closet and bathroom but they did not encounter anyone. The officers conducted a secondary search and then left. Det. Salazar recalled at least two bedrooms and one bathroom in the apartment. Det. Salazar was behind Det. Fischer and Det. Salazar did not know if a third officer was behind him. Det. Grisolia was not part of the entry team. Det. Salazar did not see any civilians inside the apartment.

Det. Salazar and Det. Fisher did not interact with any individuals nor did they handcuff anyone. Det. Salazar was shown the tactical plan that indicated that an individual was handcuffed in that second bedroom. Det. Salazar stated that no one was in the back bedroom and that the second room indicated on the report may not be the first room he searched, as the rooms could have been counted from the rear and the bedrooms were not numbered. Det. Salazar was shown § 87(2)(b) arrest photograph and was informed about the extent of the injuries that § 87(2)(b) sustained. However, Det. Salazar did not recognize § 87(2)(b) from his photo, nor did the photo refresh his memory of the incident.

Det. Salazar believed that a number of individuals were apprehended from the apartment but he did not remember seeing them. Normally, individuals are not removed from the apartment and are left where they were handcuffed. Det. Salazar was informed that two males and a female were

handcuffed in the location and was shown the arrest photo of § 87(2)(b). Det. Salazar did not recognize § 87(2)(b) from his photo. Det. Salazar was not aware if any individuals were injured at the location. An ambulance was not called to the scene. Det. Salazar reviewed the ESU report noting that an individual was injured and Det. Salazar recalled the warrant being executed without any incident. Det. Salazar and the other ESU officers were at the location for approximately ten minutes.

**Witness Officers: DET GARY GRISOLIA, SGT MICHAEL GARGAN, PO YONGKYO YOON**

- *Det. Grisolia, § 87(2)(b)*
- *Sgt. Gargan, § 87(2)(b)*
- *PO Yoon, § 87(2)(b)*
- *Det. Grisolia worked from 11:30 p.m. on September 22, 2011, to 10:05 a.m. on September 23, 2011. Sgt. Gargan worked from 6:48 a.m. to 6:05 p.m. and PO Yoon worked from 7:00 a.m. to 3:35 p.m. They were assigned to a search warrant; Det. Grisolia was working with Det. Salazar and Sgt. Gargan was working with PO Yoon. They were dressed in uniform and assigned to a marked vehicle.*

**Memo Books** (encl. 19A-B; 23A-C; 13A-B)

Sgt. Gargan and PO Yoon noted that a search warrant was executed at § 87(2)(b)

Det. Grisolia noted the warrant execution but not the location.

**CCRB Testimony** (encl. 14A-C; 20A-B; 24A-B)

PO Yoon was interviewed at the CCRB on February 10, 2012, Det. Grisolia was interviewed on March 22, 2012, and Sgt. Gargan was interviewed on June 13, 2012. Their statements were generally consistent with each other to the extent they recalled the incident. None except PO Yoon had an independent recollection of the incident. After being provided with specifics of the incident, including § 87(2)(b) injuries, Det. Grisolia and Sgt. Gargan denied that § 87(2)(b) was kneed while in handcuffs. PO Yoon stated that he went to the first bedroom as part of the first bunker team and did not witness any force used against § 87(2)(b) or § 87(2)(b). No officer used any profanities during the incident nor did they hear any officer do so. Sgt. Gargan added that he did not recall any walls being knocked down or § 87(2)(b) being kicked or slapped.

**Witness Officer: PO JASON ZUMMO**

- *PO Zummo, § 87(2)(b)*
- *On September 23, 2011, PO Zummo worked from 3:00 a.m. to 11:35 a.m. He was working with the Anti-Crime team and was in plainclothes and assigned to an unmarked sedan.*

**Memo Book** (encl. 33A-B)

In his memo book, PO Zummo noted that at 8:30 a.m., he executed a search warrant.

**CCRB Testimony** (encl. 34A-C)

On September 25, 2012, PO Zummo was interviewed at the CCRB. His statement was generally consistent with PO Zozzaro's, Sgt. Vallerugo's, and PO Glanville's except where noted.

PO Zummo stated that he did not speak directly to any civilian and did not know which officers

did so. PO Zummo did not know who took the civilians out of the location.

PO Zummo searched the living room and at least one bedroom. He remembered looking in a mattress that had a hole in it because they were informed that the gun was under a bed. PO Zummo did not know how the mattress came to have a hole in it. He did not recall whether there were any holes in the walls or whether there was a safe in the location. PO Zummo did not observe any officer throw a television to the ground and did not do so himself. PO Zummo did not observe any officer punch, kick, or slap any civilian. He did not hear any officer use any profanities during the incident. A high capacity magazine, ammunition, and marijuana or narcotics were recovered.

PO Zummo did not remember a female approaching the officers while they were waiting for a ride back to the stationhouse. PO Zummo did not remember who was waiting with him. He did not remember whether there were any vehicles that looked abandoned or having anything to do with any civilian vehicle.

**Witness Officer: PO ADAM GRAY**

- *PO Gray, § 87(2)(b)*
- *On September 23, 2011, PO Gray worked from 5:00 a.m. to 12:30 p.m. He was the assistant to the field intelligence officer, Sgt. Oswald Daniels. He was in plainclothes and not assigned to a vehicle.*

**Memo Book** (encl. 37A-B)

In their memo books, PO Gray noted that at 8:30 a.m., a search warrant was executed at § 87(2)(b) and three arrests were made.

**CCRB Testimony** (encl. 38A-B)

On October 2, 2012, PO Gray was interviewed at the CCRB. His statement was generally consistent with Sgt. Daniels' to the extent he recalled the incident.

When PO Gray entered the location, all of the ESU officers had left. PO Gray did not recall there being a safe in the location. He did not observe any officer punch, kick, or slap any civilian or throw a television to the ground. He did not use or hear any officer use any profanities. The search warrant did not cover a vehicle and he was not aware that a vehicle had been searched.

**Officers Not Interviewed**

Cpt. Adelman was present but, based on the testimony of the other officers, he would not have witnessed any of the allegations. PO Vorraro escorted § 87(2)(b) to the hospital without entering the location and thus did not witness any of the allegations. Det. Furia, Det. Brown, and Det. Yaeger were not in a position to witness the force or discourtesy allegations and thus their testimony would not affect the recommended disposition of this complaint.

**Medical Records**

**Medical Treatment of Prisoner Report:** § 87(2)(b) (encl. 40RR-SS)

§ 87(2)(b) was reported as having a laceration and swelling to his right eye socket.

**Ambulance Call Report and** § 87(2)(b) **Hospital:** § 87(2)(b) (encl. 40A-AA)

On § 87(2)(b), EMS reported that § 87(2)(b) had swelling and bleeding to his right eye and had complained of blurred vision. No other injuries were observed. At § 87(2)(b) Hospital, doctors noted that § 87(2)(b) had a facial fracture and a two centimeter laceration on his lower right eyelid requiring four sutures.

§ 87(2)(b) **Hospital:** § 87(2)(b) (encl. 40BB-QQ)

On § 87(2)(b), after a CT scan, § 87(2)(b) was diagnosed with a nasal bone

fracture.

### **NYPD Documents**

#### **Search Warrant Confirmation** (encl. 54J)

The search warrant executed at § 87(2)(b) on September 23, 2011, was obtained on September 21, 2011, by PO Gray, under the supervision of Sgt. Vallerugo.

#### **ESU Warrant Execution Report** (encl. 42A-D)

The officers entered in the following order with the noted assignments: PO Yoon (1<sup>st</sup> entry team bunker), Det. Brown (1<sup>st</sup> entry team), Det. Fischer (2<sup>nd</sup> entry team bunker), Det. Salazar (2<sup>nd</sup> entry team), Sgt. Gargan (supervisor), Det. Yaeger (tools/cuffs), Det. Grisolia (tools/cuffs), Det. Furia (rear security), and Lt. Kehrli (supervisor). Det. Brown handcuffed the 1 § 87(2)(b) male and Lt. Kehrli handcuffed the § 87(2)(b) female in bedroom 1, and Det. Grisolia handcuffed the § 87(2)(b) old male in bedroom 2. The reporting officer from the 113<sup>th</sup> Precinct was Sgt. Daniels.

#### **113<sup>th</sup> Precinct Tactical Plan** (encl. 41A-C)

The officers were looking for § 87(2)(b). The commanding officer was Cpt. Adelman. Sgt. Vallerugo and PO Gray were front security. Sgt. Daniels was inside security. PO Glanville and PO Zummo were rear security. PO Vorraro and PO Zozzaro were side security.

#### **Management Information Systems Division Documentation** (encl. 47R-BB)

MISD records show that no officer searched for VIN § 87(2)(b) or Florida license plate number § 87(2)(b) on September 23, 2011.

§ 87(2)(a) 160.50, § 87(2)(b)

### **Status of Civil Proceedings**

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of October 1, 2012, more than nine months after the filing deadline.
- § 87(2)(b) filed a Notice of Claim with the City of New York on December 21, 2011, claiming false arrest, unlawful imprisonment, malicious prosecution, malicious abuse of process, failure to intervene, assault and battery, illegal search, larceny, negligence, gross negligence, negligent screening, hiring, training, retention, and supervision, intentional infliction of emotional distress, prima facie tort, conspiracy, violation of privacy, and violations and deprivation of rights under the 1st, 4th, and 14th Amendments of the US and N.Y.S. Constitutions. He is seeking the maximum monetary damages permitted by law (encl. 50A-D).

§ 87(2)(c), § 87(2)(b)

### **Civilians CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) whose

§ 87(2)(b) encl. 3A; 3D).

- § 87(2)(b)
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### **Subject Officers CCRB History**

- Cpt. Craig Adelman has been a member of the service for 15 years and there are no substantiated CCRB allegations against him (encl. 2A).
- Lt. Thomas Kehrli has been a member of the service for 19 years and there are two substantiated CCRB allegations against him (encl. 2B).
  - In case number 200303421, two allegations of a threat of force were substantiated and charges were recommended. Lt. Kehrli received command discipline – A.
- Det. Christopher Fischer has been a member of the service for 15 years and there are no substantiated CCRB allegations against him (encl. 2C).
- Sgt. Oswald Daniels has been a member of the service for 12 years and there are no substantiated CCRB allegations against him (encl. 2D).
- PO James Zozzaro has been a member of the service for six years and there is one substantiated CCRB allegations against him (encl. 2E-F).
  - In case number 201105143, an allegation of force was substantiated and charges were recommended. NYPD declined to prosecute.
- Sgt. Greg Vallerugo has been a member of the service for 12 years and there are four substantiated CCRB allegations against him (encl. 2G).
  - In case number 201104848, allegations of a stop and a search were substantiated and charges were recommended. Sgt. Vallerugo received command discipline – B.
  - In case number 201105143, allegations of a stop and frisk were substantiated and charges were recommended. Sgt. Vallerugo received command discipline – B.

### **Conclusion**

#### **Identification of Subject Officers**

Because Cpt. Adelman was the entry supervisor, allegation A is pleaded against him.

§ 87(2)(b) described the subject of allegations B and C as the bunker by describing him as the officer with a helmet and shield. Though he later provided a physical description of the officer, he stated in his telephone statement one week after the incident that he was unable to describe or identify the subject of these allegations. Based on the tactical plan, the bunker in the room where § 87(2)(b) was apprehended was Det. Fischer. Therefore, allegations B and C are pleaded against Det. Fischer.

§ 87(2)(b) described the subject of allegation D as a black male who stood 5'8" tall with a muscular build who is in his early 40s. § 87(2)(b) described this officer as a black male who identified himself at the stationhouse as a sergeant. Sgt. Daniels is a black male who was 41 years old at the time of the incident. Therefore, allegation D is pleaded against Sgt. Daniels.

Sgt. Vallerugo admitted to searching the vehicle and instructing PO Zozzaro to search the trunk, which PO Zozzaro admitted to doing. Sgt. Vallerugo and PO Zozzaro were also identified by description as the officers who used force against § 87(2)(b) and Sgt. Vallerugo as the officer who damaged § 87(2)(b) television. PO Zozzaro was described as a white male who was 6'5" tall with a medium build and Sgt. Vallerugo was described as a white male who stood 6' tall with a chubby build. PO Zozzaro is 6'5" tall and, based on his pedigree information, has an average build. Sgt. Vallerugo was the shortest of the Anti-Crime officers at 6'2" tall and, based on his pedigree



information, has a heavy build. The two other white male Anti-Crime officers, PO Vorraro and PO Zummo, are 6'2" tall and 6'3" tall respectively, with average builds. PO Gray is also a 6'2" tall white male, but he did not enter the location. Therefore, allegation E is pleaded against PO Zozzaro and allegations F, G, and H are pleaded against Sgt. Vallerugo.

### **Investigation Findings and Recommendations**

#### **Allegations Not Pled**

§ 87(2)(b) did not allege the threat of force § 87(2)(b) stated that he heard officers make against § 87(2)(b) therefore, the allegation is not pleaded. Any guns pointed at the civilians are subsumed under the entry allegation. § 87(2)(b) did not allege the chokehold § 87(2)(b) claimed to have witnessed and therefore the allegation is not pleaded. Because § 87(2)(b) did not witness the acts that caused damage to the vehicle or location, other than the damage to the televisions, and § 87(2)(b) did not provide a sworn statement, allegations regarding property damage, other than in regards to damage to the televisions, are not pleaded. Though § 87(2)(b) alleged that unidentified officers used profanities toward § 87(2)(b) and threatened him with the use of force, § 87(2)(b) did not make these allegations and thus they are not pleaded.

#### **Allegation A – Abuse of Authority: Cpt. Craig Adelman supervised the entry and search of § 87(2)(b) in Queens.**

§ 87(2)(b) and § 87(2)(b) alleged that officers entered and searched the location, which was confirmed by the officers from ESS Truck 9 and the 113<sup>th</sup> Precinct. Search warrant § 87(2)(b) obtained by PO Adam Gray of the 113<sup>th</sup> Precinct, was issued on § 87(2)(b), in § 87(2)(b) Criminal Court. The 113<sup>th</sup> Precinct tactical plan indicates that Cpt. Adelman was the commanding officer on the scene. § 87(2)(g)

#### **Allegation B – Discourtesy: Det. Christopher Fischer spoke discourteously to § 87(2)(b)**

§ 87(2)(b)

#### **Allegation C – Force: Det. Christopher Fischer used physical force against § 87(2)(b)**

§ 87(2)(b)

#### **Allegation D – Discourtesy: Sgt. Oswald Daniels spoke discourteously to § 87(2)(b)**

§ 87(2)(b)

#### **Allegation E – Force: PO James Zozzaro used physical force against § 87(2)(b)**

#### **Allegation F – Abuse of Authority: Sgt. Greg Vallerugo damaged § 87(2)(b) property.**

#### **Allegation G – Force: Sgt. Greg Vallerugo used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that Det. Fischer kneed him in the eye causing a nasal fracture and laceration to his face. The injuries are confirmed in the medical records and photos. He also alleged that Det. Fischer told him to “get the fuck on the floor,” and that Sgt. Daniels told him to “shut the fuck up.” § 87(2)(b) stated that he did not resist arrest or curse at the officers.

§ 87(2)(b) alleged that PO Zozzaro kicked him in the back and that Sgt. Vallerugo slapped him in the face several times and threw his television to the ground. He stated that this was in response to him being unable to provide the combination to his safe. § 87(2)(a) 160.50 § 87(2)(b). The investigation was unable to determine how officers accessed the safe.

Det. Fischer did not recall the incident and Det. Salazar stated that they did not interact with or handcuff any civilians. Sgt. Daniels denied using profanities toward any civilian. The 113<sup>th</sup> Precinct officers did not recall whether there was a safe in the location and PO Zozzaro and Sgt. Vallerugo both stated that they did not directly interact with § 87(2)(b). They both specifically denied slapping or kicking § 87(2)(b) or throwing his television to the ground, though photos show that

there were damaged televisions in the location. The officers from the 113<sup>th</sup> Precinct all stated that the search did not commence until the civilians had been removed from the location and that § 87(2)(b) was not in the bedroom when they were present.

§ 87(2)(g)

**Allegation H – Abuse of Authority: Sgt. Greg Vallerugo searched § 87(2)(b) car.**

It is undisputed that Sgt. Vallerugo and PO Zozzaro searched § 87(2)(b) vehicle, a 1999 Lincoln Navigator, Florida license plate § 87(2)(b) § 87(2)(b) alleged that officers searched the front and rear of the vehicle for 25 minutes. Sgt. Vallerugo admitted that he and PO Zozzaro conducted a short search of the front seat, glove compartment, and trunk to identify the owner, because they believed that the vehicle had been stolen or abandoned. They stated that the vehicle had been pointed out to them by a female neighbor as suspicious. PO Zozzaro stated that the neighbor said that the vehicle had been there for a few days, while Sgt. Vallerugo stated that she did not provide any information regarding how long the vehicle had been there. Sgt. Vallerugo stated that they did not search for the vehicle's owner by running the VIN or license plate, which Sgt. Vallerugo recalled as being from a state other than New York. When their search did not turn up anything, they left the vehicle there and took no further action. The officers all state that they did not know the vehicle belonged to § 87(2)(b) It is undisputed that the search warrant did not cover the vehicle.

If a vehicle is abandoned, the first step that must be taken is an inquiry regarding ownership made to the jurisdiction provided on the license plate. N.Y.S. Vehicle and Traffic Law, section 1224 (encl. 1A-B). If an officer comes upon an apparently abandoned vehicle, the officer must ascertain and run the VIN. Patrol Guide, Section 218-21 (encl. 1H-Q). Patrol Guide Section 209-07 requires that an officer first run a VIN search to determine if the vehicle has indications of having been stolen; nowhere in the section is a vehicle search authorized to locate an owner (encl. 1C-G). An inventory search may only be conducted if a vehicle is taken into police custody. Patrol Guide, Section 218-13 (encl. 1R).

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

[REDACTED]

Team: 6

Investigator: \_\_\_\_\_  
Signature                      Print                      Date

Supervisor: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date